

REMARKS

Claims 1-24 are pending in the application. Claims 1, 7, 13, and 19 are the only independent claims. Claims 1, 7, 13, and 19 have been amended to more explicitly recite what was believed to have already been recited, without narrowing their scope. Favorable reconsideration is respectfully requested.

Claims 1, 2, 4-8, 10-14, 16-20, and 22-24 were rejected under 35 U.S.C. § 102(b) over U.S. Patent Publication No. 2002/0047916 ("Miyagi"). Claims 3, 9, 15 and 21 were rejected under 35 U.S.C. § 103 over Miyagi in view of U.S. Patent Publication No. 2001/0032335 (Jones). Applicants respectfully traverse.

In the Advisory Action mailed May 14, 2008, the Examiner took the position in the Continuation Sheets that the limitation argued in the Amendment in Response to Final Office Action filed April 30, 2008 was not exactly what was recited in the independent claims. No other issues relating to patentability were included in the Continuation Sheets.

After receipt of the Advisory Action, Applicants undersigned representative exchanged telephone voicemails and had a brief discussion with the Examiner requesting that the Examiner reconsider his position that the argued limitation was different from the actually recited limitation. The Examiner did not agree but suggested that the independent claims be amended to recite exactly what was argued in the April 30, 2008 Amendment. Although Applicants believe that the previously recited claim language was essentially identical in meaning to the argued limitation, to expedite prosecution, the claims have been amended, without narrowing their scope, to more exactly match the words of the arguments presented in the April 30, 2008 paper.

That is, amended independent claim 1 includes "a storage server for storing a message of video and/or audio contents sent from said information terminal to said network in response to the video and/or audio data that has been distributed to the information terminal from said distribution server while said information terminal is being connected to said network." This limitation is not

disclosed or suggested by Miyagi. The arguments from the April 30, 2008 paper are essentially repeated below, in view of the above amendments.

In the most recent Office Action, at page 3, Miyagi's paragraphs [0035], [0025] and Miyagi's claims 7, 8, 10, and 11 were cited as allegedly reading on the claimed storage server. Taking the teachings of paragraph [0035] of Miyagi first, that paragraph discloses

“[a] controller microcomputer 16 controls transfer of image data between the blocks. In the above description, compressed image data is recorded in the memory card 18. The system configuration may use removable built-in nonvolatile memory for storing compressed image data.”

This cited portion of Miyagi has nothing whatsoever to do with a storage server, as part of a network or otherwise. As was pointed out in the earlier responses, this paragraph is simply a description of how image data is transferred *between the internal components of digital camera 2*, in Figure 2 of Miyagi. This portion of Miyagi contains no teaching of the claimed storage server. Paragraph [0025] was also again cited, at page 3 of the Office Action, as allegedly teaching the claimed storage server. However, as was pointed out in previous responses, paragraph [0025] contains no teaching of a “storage server,” still less one as recited in claim 1.

Claims 7, 8, 10, and 11 of Miyagi were also cited as allegedly corresponding to the claim storage server. Miyagi's claim 7 recites “an image storage server connected to said wired network, wherein said selected amount of image data is output from said image pickup apparatus to said image storage server.”

However, claim 7 in Miyagi merely recites an “image storage server” to which a selected amount of “image data” *from an image pickup* is output. It neither teaches nor suggests a storage server for storing an audio/video message that is sent from the information terminal *in response to the audio/video data received by the information terminal from a distribution server*, as is now even more clearly required by amended claim 1 of the present application. Miyagi's claims 8, 10, and 11 also fail to disclose the storage server of amended claim 1 of the present application.

In the Response to Arguments, beginning at page 17 of the Office Action, the position was taken that the recited storage server is met by the fact that video data from information terminals in Miyagi is stored in the image distribution server. The Office Action goes on to state that Miyagi's "claims 7, 8, 10 and 11 disclose an image (video) storage server which can be used as an add-on to the disclosed system for storage of video data." Page 18 of Office Action.

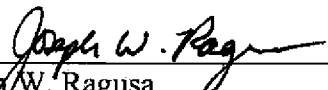
However, even if the image storage server of Miyagi's claims 7, 8, 10 and 11 were to be added to the image distribution server of Miyagi, the combined elements would still not meet all the limitations of the storage server of claim 1, at least because none of those portions of Miyagi teach or suggest a storage server that stores a message of video/audio contents sent from the information terminal *in response to audio and/or video data that has been distributed to the information terminal from the distribution server* as is now even more clearly recited in claim 1.

For at least the foregoing reasons, amended claim 1 is believed clearly patentable over the cited art. Amended independent claims 7, 13 and 19 recite similar features and are believed patentable for substantially similar reasons.

The other claims depend from one or another of the independent claims discussed above and are therefore allowable for at least the reasons discussed above. In view of the above, Applicants believes the pending application is in condition for allowance.

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Respectfully submitted,

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